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**Minneapolis Planning Department**

350 South Fifth Street, Room 210

Minneapolis, MN 55415-1385

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**MEMORANDUM**

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DATE: February 19, 2002

TO: Gary Schiff, Chair  
Zoning and Planning Committee

FROM: Tom Leighton, City Planner

SUBJECT: BZZ-448: Appeal of Board of Adjustment Action on Variance of front yard for addition

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On January 23, 2002, the Board of Adjustment took action on the request for variance by Patricia Vitale, approving it in part and denying it in part. The applicant has appealed this decision, including with her appeal a letter that describes more fully her motivation for applying for the variance. She also advances clarifications and issues related to both the substance of the report and the variance process. Some elements of the applicant's letter require comment. The purpose of this memorandum is to address issues of fact raised in the applicant's letter.

1. The applicant is correct in stating that houses in the area are set back deep on their lots. Property lines are 8 feet from the edge of the sidewalk and the average house on the applicant's block is set back almost 25 feet from the property line.
2. When the applicant states that she is "simply asking to encroach on 3 ½ feet of that", she seems to be referring to a 20 foot front setback line. The legal front yard setback that pertains to the applicant is actually the district setback (20 feet) **OR** the setback of the neighboring house (28.5 feet as reported by the applicant, 27.6 feet as estimated from the City's GIS image base), **whichever is greater**. The requested variance is thus approximately 12 feet from 28.5 feet (the setback of the neighboring house) to 16.6 feet.

Staff felt that a hardship was present in that the neighboring house is set back deeper than the average of the block, and recommended approving a variance to 20 feet to match the setbacks of the average of the three houses immediately past the next door house. The 3½ feet setback referred to by the applicant is apparently 3 ½ feet beyond the 20 foot front setback that was recommended by Planning staff and approved by the Board of Adjustment.

3. There is an important error of fact in the staff report to the Board of Adjustment. The building footprint layer and the property line layer on the City's GIS system do not align with each other.

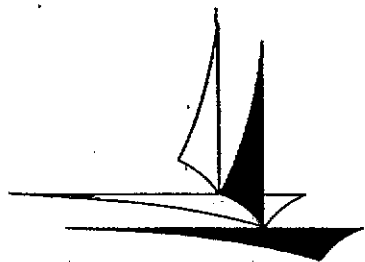
The implications of this were unrecognized by staff until February 5, when reexamination of the graphic images revealed that estimated setbacks were off by about 3.3 feet. This means that the three houses used as a comparison in the staff report have an average setback of about 23.1 feet rather than 19.8 feet. If staff had recognized and corrected for this data problem at the time of the staff report to the Board of Adjustment, the recommendation from staff would have been to approve a variance from 28.5 feet to 23 feet, rather than to 20 feet. Note that the comparison to the setbacks of these three houses is the most generous comparison that can be chosen for the applicant's addition since both the average setback on the block (24.8 feet), and the average setback of Lyndale Avenue houses within 150 feet of the applicant's property (26.7 feet), are greater.

The applicant is being sent this recent setback data so that she has the opportunity to clarify the data from field measurements if they are in error.

4. The applicant states that the proposed 16 ft 7 inch setback is only "18 inches further out than a couple of existing houses on the block." The attached City graphic data suggests that the addition would be about 2½ feet beyond the 19 foot setback of the next closest house—the house at the opposite end of the block. Only one other house appears to have a setback smaller than 20 feet (estimated 19.7 feet). The next smallest setback is about 22 feet. Again the applicant may be able to improve this information via field measurements.
5. The staff report identifies the proposed front stoop as being 48 square feet in area. The applicant's appeal letter states that the staff report is in error because she wanted a 4' by 5' landing, which measures 20 square feet. The most recent plans received, a plan revision dated 12/19/2001, were double-checked. On the site plan the landing scales off at 8' by 6', or 48 s.f. On the main floor plan, it measures 6.7' by 5.7', or 38 square feet.
6. Although some concern about the variance has been expressed by some nearby residents, it is clear from the petitions gathered that there are many neighbors that support the variance request. Staff is concerned, however, that the heading of the petition contains a description of the requested variance that is misleading or erroneous. The petition describes the requested variance as reducing the front yard from 20 feet to 16½ feet. As noted above, the variance is actually to reduce the front yard from 28 ½ feet to 16 ½ feet. The point of comparison used in the petition is with the house with the smallest front setback.

It is likely that most or all of those who signed the petition would have signed it anyway. But the provision of accurate information and impressions on such a petition are clearly important.

7. The applicant claims the staff report makes a finding that "this presents no personal hardship." Staff recognizes that the applicant is the only one that can speak to personal hardship. The staff report focuses instead on whether a hardship is present that is related to distinctive physical features of the property in question. A hardship of this kind was indeed identified that supported a staff recommendation of partial approval of the requested variance.
8. A concern was expressed that some neighbors tried to reach me but their phone calls were not returned. To my knowledge I have not failed to return a phone call on request since I started working for the City of Minneapolis.



City of Minneapolis  
Inspections Division of Regulatory Services  
Office of Zoning Administration  
250 South 4<sup>th</sup> St. Room 300  
Minneapolis MN 55415-1316  
612-673-5836  
Fax 612-673-3173

**Notice of exception**  
**To the Decision of the Board of Adjustment**

A complete application<sup>1</sup> shall be filed in the zoning office by 4:30 p.m. within ten (10) calendar days of the date of decision by the board of adjustment.

**MAILING/OFFICE ADDRESS:**

Zoning Administrator  
Office of Zoning Administration  
Public Service Center  
250 S. 4<sup>th</sup> St. Room 300  
Minneapolis MN 55415-1316  
Office: 612-673-5867  
Fax: 612-673-3173

Date: 2/1/02  
RE: 4501 Lyndale Aves (address)  
File No. BZZ-448

I, PATRICIA VITALE do hereby file an exception to the Decision of the Board of Adjustment as provided for in Chapter 525.180;

**525.180. Appeals of decisions of the city planning commission or board of adjustment.** All decisions of the city planning commission, except zoning amendments, and all decisions of the board of adjustment shall be final subject to appeal to the city council and the right of subsequent judicial review. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within ten (10) calendar days of the date of decision by the city planning commission or board of adjustment. No action shall be taken by any person to develop, grade or otherwise alter the property until expiration of the ten-day appeal period and, if an appeal is filed pursuant to this section, until after a final decision has been made by the city council. Not less than ten (10) days before the public hearing to be held by the zoning and planning committee of the city council to consider the appeal, the zoning administrator shall mail notice of the hearing to the property owners and the registered neighborhood group(s) who were sent notice of the public hearing held by the city planning commission or the board of adjustment. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this section has been made.

(2000-Or-034, § 2, 5-19-2000)

Further, I do hereby request that I be given an opportunity to express by case before the proper committee of the Honorable City Council.

The action being appealed and the reasons for appealing the decision are attached and made a part of this notice of exception.

Sincerely,  
(Name) Patricia Vitale  
(Address) 4501 Lyndale Aves  
(Telephone) 612-827-6754

<sup>1</sup> Complete Application – includes a completed application form and attached statement explaining the basis for appeal, correct fee and mailing labels  
BZZ-

Jan. 30<sup>th</sup>, 2002

Re: Variance # BZZ-448  
**Patricia Vitale & Mirtha Solis**  
4501 Lyndale Ave. S.  
Minneapolis, MN 55409

Dear City Council Members;

This letter is in reference to variance proposal BZZ-448. We thank you in advance for your time in addressing this matter. It is important for us to inform you of the details of what has transpired in the time since we decided to request this variance. When we pursued the City about requesting a variance, we were informed to go and inform the City Council and our Neighborhood Board(Kingfield). When we notified Kingfield they said they would get us on their agenda right away.

On the night before thanksgiving, we presented our situation in front of the only 3 members that were present. Kingfield's response was very confusing and somewhat misleading. First, they were not sure if they could rule (or make a recommendation) on our proposal because we hadn't officially applied. Then they said they weren't sure because we had a business if that would make a difference, then they decided that was fine and that the City didn't care either way. Kingfield then said that "City Planning didn't know what they were doing sending people to them(Kingfield) before they had applied for the variance, someone needs to educate them(City Planning)." When we discussed in detail the reasons why we were requesting this variance with the Kingfield person, he said that we could not use reasons of needing additional living space for our disabled moms and for our 19 month old son, because Kingfield already knew it was related to a business need.

Here are the real reasons we are adding more space to our home:

-We have a very small, 2 bedroom home. We have already had to add a dining room since we moved in 1996. We have invested close to \$80,000 in our home since its purchase. \$30,00 of which was a FEMA loan. In the storm of July 1<sup>st</sup> 1997, due to poor city drainage problems our house (being the lowest point on the 4 corners) was flooded and we had to gut our entire basement that had just been renovated and start all over.

We moved here from NYC in 1996 to improve our quality of life and to start a family. We choose this neighborhood because of its residential feel even within City limits. We also had family on 45<sup>th</sup> and Lyndale. We want to do everything possible to preserve and enhance the qualities of our neighborhood. We work out of our home so that we can raise our son at home with our family values. Both of us have aging moms that spend extended periods of time with us and we care for them. Neither of our mothers are able to go downstairs. So when they stay with us we are all crammed into 2 bedrooms.

We have always wanted to add a second egress from the basement for safety reasons. When we

looked into an egress window we realized that it would not meet the fire code for an office space and that it was not something a small child could open in an emergency. In pursuing the construction of a second exit, we realized that leaving a open stairway to the street would be both a vulnerability to flooding, theft and would look rather ridiculous (for this no variance would have been needed). However, this would not solve our cramped living space problem. The addition we are looking at would add an additional bedroom and a small sun porch on the main floor. As well as a playroom downstairs for our son. We are looking at a large financial investment and we need to think long term in terms of our family's need, since we would like to have another child in the near future. Because of our mom's ages and physical health it is very possible that we may have to care for them at home someday in the near future.

Given what the Kingfield person said, when we filed the variance application with the city we made very little mention of our personal circumstances and focused only on the fact that we needed a second exit from our office space and how that would make us vulnerable to flooding, etc. We honestly thought more credence would be given to safety of the public than our personal circumstances.

When we filed with the City Planning, they said Kingfield could have ruled on our situation and made a recommendation. Then they proceeded to say that it really didn't matter, because we didn't need the neighbors, Kingfield or the City Planning to approve it because the Board of Adjusters could rule either way and that that ultimately didn't matter because City Council had the final say.

We were not told that it would be helpful to inform our neighbors of what we were doing and talk to them. When we spoke with 2 different politicians 2 weeks ago they suggested that we go talk to the neighbors. The letter the city sends out is very vague and deceiving. One neighbor thought we were wanting to enlarge Lyndale, another thought we were going out 26 feet into our front yard, another thought that we would block pedestrian and vehicular visibility on 45<sup>th</sup> and Lyndale. As if we were building out past the sidewalk into the boulevard. We have spoken to a couple of dozen neighbors and most agreed that the letter was confusing and vague. Some attempted to get in touch with Mr. Leighton in City Planning (he was handling our case and went on vacation before our hearing) and got no response from him. The letter states that we want to reduce the front yard setback from 20 to 16 feet. However, it does not explain that the City starts counting those 20 feet from 8 feet into my property (the 8 ft. For the right of way), hence the setback is really supposed to be 28 ft. and we are asking for a 12 foot addition. Our home is currently 36½ feet from the sidewalk. If we come out 12 feet, that leaves 24½ ft. of front yard. When people read the letter saying that we want to reduce the setback to 16 feet that can appear quite close to the front of the property line and it is not accurate. We don't think we are asking for something unreasonable since we pay taxes for our entire property. We have to care for (mow, clean, shovel, etc.) 18 ½ ft. of boulevard, 6 ft. of sidewalk, 8 ft. of right of way and the 20 foot set back, that's 52½ ft. And we are simply asking to encroach on 3½ ft. of that. That leaves the City 49 ft. That they can use to expand Lyndale. Please see attached petition with signatures of support. These only reflect the neighbors that we have been able to catch at home.

We had also provided Mr. Leighton with photographs of our property so that everyone in City Planning and in the Board of adjustments could see the differences in setback of the existing houses on the block. Those pictures never made it into the hands for the Board of Adjusters. Instead 2 Board members

claimed that they did a drive-by viewing of the block and all houses looked equally set back. We think that a Drive-by viewing at 40 miles per hour on Lyndale is not a accurate or appropriate way to assess a matter that requires accurate measurements and that is deeply impacting our family. These two Board Members later admitted (in the meeting, in front of us) that when they viewed the overhead (there was an overhead screen with a sketch of the houses from above) that they were surprised that there was a definite difference in the setbacks of the homes. However, when it came time to vote they adhered to their original drive-by assessment. One Board member did think that was a ridiculous way to assess matters and asked the Planning and Zoning office for exact measurements of the setbacks of other homes on the block only to be told it was our responsibility (the applicants') to go measure other people's properties. When she was informed that we had already done this, she wanted us to do it again. We had strong objection to having to do this again (we had to do this when we first applied) since obviously these measurements have not changed in 3 months and it can be seen by neighbors as intrusive and a violation of their private property. The representative from City Planning was directly asked if he had ever taken a tape measure to a property and he said, "no". Apparently there are no accurate measurement available thru the City on record. This topic of conversation was quickly dropped and ignored.

We are asking to be 1 ½ feet (18 inches) further out than a couple of existing houses on our block. We were finally able to get an arial shot of the block from one of the city offices a couple of days ago (see attached) it is clear that we may not even go out as far as the house at the end of our block on the corner of 46<sup>th</sup> and Lyndale. Attached are also land shots that show (with red tape) how far out we would be. We have already agreed to make a standard size front stoop instead of the larger proposed one. At the Board of Adjusters meeting one member raised the vote to allow us to build out 10½ feet, so that we would be in line with another house that is set back 18ft. That of course, was not voted on because they alleged house isn't one of the 4 immediately to the left of us, which would be most impacted. These 4 neighbors were the first to sign our petition of support (see attached). Instead they granted us 8.6 feet. As one member of the board of Adjusters said, "that makes for a nice size hallway".

Another discrepancy we found was that in a phone conversation with Mr. Leighton we had explained that we wanted a bigger landing on our front steps, because it was difficult to open our front door and get around it safely without falling off. Even Mr. Leighton said that a 4x4 landing was rather small. We were wanting to put in a 4ft by 5ft. Landing. At the Board of Adjusters meeting our landing shows up as a 48sq. Ft. landing. When we do the math on 4x5 we come up with 20sq. Ft. not 48. When brought this up at the meeting it was not addressed. The members were more concerned about what direction the steps were facing.

Our appeal to you comes from our real personal family needs, as well as from the place of feeling that two City entities have already ruled on our case without accurate and exact information. We have been misinformed ourselves and misguided and so have the people ruling on this matter as well as our neighbors who have received these letters. We have spent the last 2 weeks going door-to-door speaking with our neighbors and gathering signatures of support and educating our neighbors. Of the 73 homes that have received the city's letter we have visited close to half of them. With the exception of one lady, all others have signed in support or said they wouldn't object. Even a woman who wrote an

initial letter of disapproval (Ms. Korman of 4436 Garfield) has said she would not object in the future. We have also marked off with red tape the area that would be occupied by our addition so that neighbors can make an accurate assessment of how the addition will look.



We have also found out something that didn't surprise us at all, the incredible number of people who work and run businesses out of their home here in Kingfield. In Mr. Leighton's Report he states that it is not the City's responsibility to allow a house to accommodate a business. Although this may be true, we know for a fact that exceptions can & have been made. He also states that "staff feel that ... would alter the essential character of the locality and therefore would be injurious to the character of the area. We found this statement quite amazing. It is clear that Mr. Leighton has not driven down Lyndale Ave. S. between 46<sup>th</sup> & 44 St. in over 6 years. There are several houses on both these blocks that are in pretty bad shape and in horrible disrepair (torn plastic in place of windows, falling garage doors, junk piled ceiling high in their front and back porches, no lawn to speak of, etc.) Or people who purchase homes and immediately have all the trees on their property removed. To us that is what one may consider altering and injurious to the character of a neighborhood, not adding a \$60,000 addition to a home, that will only make our block look more attractive, increase the value of all our homes and provide the City with more tax revenue. Here's another example, the Kingfield Ace Hardware is asking to be allowed to remove 2 homes (that will remove housing, and change the look of the neighborhood) so that they can build a parking lot because they are losing too much business, because people don't want to park and walk. Kingfield is supporting them and making statements about how we need to support small local businesses. I think that's wonderful and that thinking should apply to us as well. None of these home-based businesses, nor ours have ever disturbed or disrupted anything in the neighborhood. In fact many people aren't even aware they exist. In fact, we know people who work for Hennepin County are being asked to start home offices so that the county and state can save money on office rental cost. Because commercial rental space is so costly and hard to find, many state and local agencies are resorting to have people bring their businesses home. One neighbor of ours who is a social worker for Hennepin county is in the process of moving her office into her home and also happens to be adding a addition to her home to accommodate both business and new baby.

Mr. Leighton also states that this presents no personal hardship to us. This is untrue. Not being able to care for our child at home & not having enough family living space are real personal hardships. These are not things we are asking other people to solve for us, we are not living off government funds or asking for subsidies for childcare. We have all our solutions and we are paying our way and everyone involved will benefit.

We have been great, respectful, caring neighbors in Kingfield and would love to be able to keep and raise our family in this neighborhood. We have had other family members move from Florida to this neighborhood, because of the quality of life here.

We urge you to please consider our situation and make a responsible and informed decision on this matter.

Sincerely,

 &   
Patricia Vitale & Mirtha Solis

**Minneapolis City Planning Department Report**

Variance Request  
BZZ - 448

**Date:** January 23, 2002

**Date Application Deemed Complete:** December 29, 2001

**End of 60 Day Decision Period:** February 27, 2002

**Applicant:** Patricia Vitale

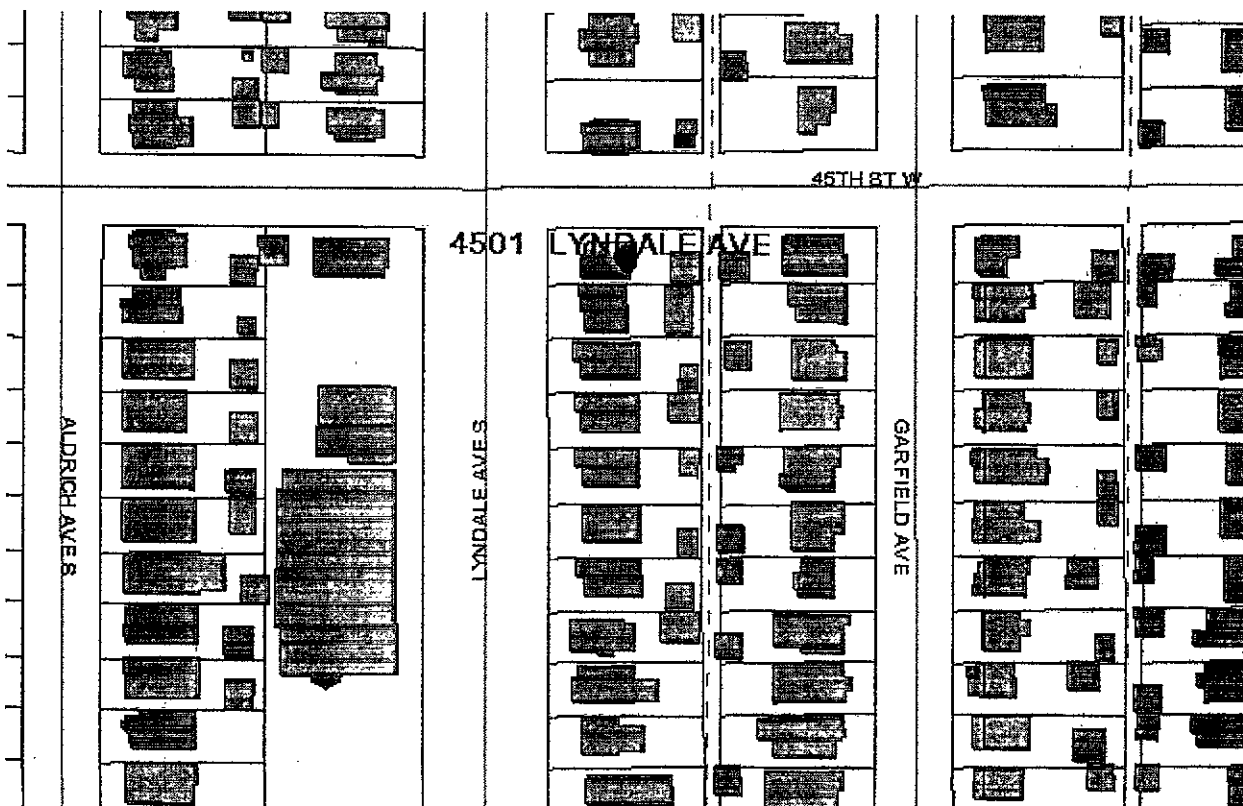
**Address of Property:** 4501 Lyndale Ave S

**Project Name:** NA

**Contact Person:** Patricia Vitale  
ph: 612-827-6754

**Planning Staff:** Thomas Leighton  
ph: 612-673-3853  
fax: 612-673-2526  
e-mail: [thomas.leighton@ci.minneapolis.mn.us](mailto:thomas.leighton@ci.minneapolis.mn.us)

**Ward:** 11    **Neighborhood Organization:** Kingfield Neighborhood Association



**Minneapolis Planning Department Report**  
**BZZ - 448**

#2

**Existing Zoning:** R1A

**Proposed Use:** Front Addition

**Proposed Variance:** To reduce the required front yard setback along Lyndale Avenue South from 28 ft. 6 in. to 16 ft. 7 in. to allow a 12 ft. x 26 ft. front addition, and to allow a 48 sq. ft. front entrance landing in the front yard setback.

**Concurrent Review:** None

**Zoning Code Section Authorizing the Proposed Variance:** 525.520(1). To vary the yard requirements . . . .

**Background:** The applicant proposes to add an addition to the front of her house. It would extend across the full width of the house, and extend forward 12 feet from the existing front of the house. The applicant is motivated to build the addition because of egress requirements associated with the training business that she conducts in the basement of the house. Alternative methods of providing the required egress would in her view make the house vulnerable to flooding and crime. (See attached letter from applicant.)

Stoops are permitted encroachments in required front yards if they do not exceed 16 square feet in area. The applicant proposes to construct a 48 square foot stoop. A stoop of only 16 square feet is considered by the applicant to represent a safety hazard because it provides insufficient space to stand aside when the door swings open.

One neighbor of the applicant contacted Planning staff and voiced strong objection to the proposed variance.

**REQUIRED FINDINGS FOR VARIANCE**

**1. The property can be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would not cause undue hardship.**

**Addition.** The existing house can be utilized as a residential dwelling in its current state. However, because three of the four closest houses are roughly located 20 feet from their front property lines in accordance with the zoning district setbacks, it is reasonable to allow the applicant to expand the front of her house to the same 20 foot setback line despite the 28 foot setback of the immediately adjacent house. This represents an 8-1/2 foot extension of the front of the house. Adherence to a 20 feet setback may or may not meet the business needs of the applicant, but the City of Minneapolis is not obligated to allow a house to accommodate a home business. Reasonable use of the house can be made under these circumstances.

**Stoop.** The house can be put to reasonable use with a 16 square foot stoop. This accommodates a 4' by 4' stoop or a 3' by 5' stoop. In either case there is space to stand aside when opening the front door, even if it is 36" in width. A well-constructed solid railing along the side of the stoop can provide stability when standing near the edge of the stoop.

**2. The circumstances are not unique to the parcel of land for which the variance is sought and have been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Addition.** The house next door to the subject parcel is set back unusually far. The majority of the other houses on the block are closer to the 20 foot zoning district setback. The setback of the neighboring house can be considered a unique circumstance that presents a hardship to the applicant. The hardship may justify the approval of an addition to match the more typical setback on the block. However, staff feels that there is no hardship present that justifies a setback variance to less than 20 feet. The applicant argues that the egress requirements pertaining to the home business present a hardship that can be best addressed through construction of the addition. This circumstance is not associated with a unique feature of the parcel, and is instead associated with the applicant's chosen business enterprise. As noted above, the City of Minneapolis is not obligated to ensure that every residential structure can be made suitable for a business endeavor of this kind.

**Stoop.** The applicant has not identified distinct characteristics of the property that would support an argument for a large stoop on this particular property. Only an unfortunate personal history with small stoops is noted. The applicant has fallen on the existing stoop.

**3. The granting of the variance will not be in keeping with the spirit and intent of the ordinance and will alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Addition.** The intent of setback provisions is to require residential front setbacks that are in keeping with the setbacks of other nearby houses. It does so by requiring that front setbacks are not reduced below that of the neighboring structures. In this instance, if a variance is granted to allow the applicant to build to the 20' zoning district setback, the setback of the house will still be in keeping with most of the houses on the block. Staff feel that this would be in keeping with the spirit of the ordinance, and would not alter the essential character of the locality and therefore would not be injurious to the character of the area.

**Stoop.** The proposed large stoop would increase the visual impact of the addition. It is not in keeping with other properties on the block.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Addition.** An addition of 12 feet or 8 feet might improve the safety of the house by adding a second egress from the basement. It seems unrelated to street congestion, the risk of fire or other measures of the public welfare and safety.

**Stoop.** The applicant feels that a larger stoop will increase the safety of people coming to the front door of the house. The size of the stoop seems unrelated to street congestion, the risk of fire or other measures of the public welfare and safety.

**STAFF RECOMMENDATION ON FRONT YARD SETBACK VARIANCES**

The City Planning Department recommends that the Board of Adjustment adopt the findings above and **approve** a variance from 28 ft. 6 in. to 20 feet to allow a 8 ft 6 by 26 foot front addition.

The City Planning Department recommends that the Board of Adjustment adopt the findings above and **deny** the variance application to allow a 48 square foot front entrance landing in the front yard setback..

# ZONING DATA SHEET

Name of Project: <u>Vitale Residence</u>	Zoning Specialist: <u>22DC</u>
Date application filed: <u>12-3-01</u>	BZZ: <u>BZZ 418</u>
Applicant: <u>Patricia Vitale</u>	Applicant Phone number: <u>827-6754</u>
PID: <u>10-28-24-33-0150</u>	Subject Property Address: <u>4501 Lyndale S</u>
Lot area: <u>43x129 = 5547</u>	Zoning: <u>R-1A</u>
Overlay districts: <u>None</u>	Ward: <u>11</u>
Historic District: <u>No</u>	Kiva Flags: <u>NONE</u>
Applications needed: <u>Variance → Front yard Setback (to 16' 7")</u>	
Zoning Classification: <u>Single Family Dwelling</u>	
Proposed Use of Property: <u>Single Family Residence</u>	
Plate #: <u>30</u>	Half Section #: <u>114</u>

Required Yards	Street Name	Setback	ROW
Front:	<u>Lyndale Aves</u>	<u>20 Required</u>	<u>8</u>
Rear:	<u>Alley</u>	<u>5</u>	<u>0</u>
Interior Side:	<u>South side</u>	<u>5</u>	<u>0</u>
Corner Side:	<u>W 45th St</u>	<u>8</u>	<u>2 1/2</u>

Building Information	Allowed	Proposed	Approvable (Y/N)
Building Height:	Ft. <u>35</u> Stories <u>2 1/2</u>	Ft. <u>NA</u> Story <u>1</u>	Yes
Lot coverage:	Sqft. <u>3328</u> % <u>60</u>	Sqft. <u>1996</u> % <u>36</u>	Yes
Impervious Surface:	Sqft. <u>NA</u> % <u>NA</u>	Sqft. <u>2436</u> % <u>NA</u>	Yes
FAR:			NA
Dwelling Units:	Dus <u>1</u>	Dus <u>1</u>	Yes
Retail Area:	Sqft. <u>NA</u>	Sqft. <u>NA</u>	Yes
Year Principle structure Built:	<u>1948</u>		

Off-Street Parking & Loading:			
Requirements	Stalls:	Berths:	
Grandfather rights:	Stalls:	Berths:	
Provided:	Stalls:	Berths:	
Calculations:			

Required Landscaping:	Sq.ft. <u>1000</u>	%of net lot: <u>20.16</u>
Landscaped area on subject property:	Sq.ft.	%of net lot:
Landscaped area in City ROW:	Sq.ft.	%of net lot:
Calculations:		

Non-Conforming Use Since:	<u>NA</u>
Specific Development Standards:	<u>None</u>
Effect of Overlay Districts:	<u>None Apply</u>
Previous Zoning Actions:	<u>None</u>
Remaining Issues/ Comments:	<u>- Application is missing building/Property</u> <u>holder Permit</u>

Effective Date: October 1, 2001

- Fence in ROW? may require encroachment permit  
- Applicant does a home occupation

Pat Vitale  
4501 Lyndale Ave S  
Minneapolis, MN. 55409  
612-827-6754

11/09/01

To Whom it May Concern:

STATEMENT  
of proposed  
use AND  
description  
of property

I am applying for a variance on the front of my house from 20 ft to 16 ft to accommodate a 12 X 26 ft addition to our house. The addition would add a sunroom/mudroom, and bedroom, all with windows on all three sides to the first floor of our residence and an additional room to the basement, with the possibility of a bathroom. The addition would also enclose a full egress exit/entry door into the basement, and an egress window in the new room in the basement. The Addition would match the existing house exterior with siding and a tie in roof.

RESPONSES  
TO THE  
5. FINDINGS

The addition is being built to be in compliance with the Minneapolis fire code regarding exits. We have a small training business that we run in our basement and are being required to create a second full exit in our basement. We originally were going to just create the second exit with out it being inside of an addition. This would not have extended the external structure of the house. However, in further review of the construction and talking to an architect and builders we were advised that although it was possible, it would create some potential hazards in the future that could not necessarily be prevented.

1. The opening in our front yard would create a safety hazard for falling
2. We would possibly be subjecting our water lines to sideways freeze
3. We would have a potential area for gathering, leaves, ice, snow, and water which could produce severe flooding and dangerous footing.
4. We would be creating an easy and not visible break in entry for burglary.

2.

In 1997 we were the victims of the July 1<sup>st</sup> flood. Our house was surrounded by 3 ft of water as a result of the City system not being able to handle the down pour of rain. Our house is the lowest on the block and therefore vulnerable to the flooding. Water came into the basement through the front of the house and our basement had to be gutted and remodeled. It was necessary for us to take out a FEMA disaster relief loan to pay for the damage at \$30,000. We don't ever want to risk the possibility of creating a vulnerability to the elements. Our house and garage have already been robbed twice, and creating an opening that is without visibility would be inviting trouble. We have a 16 month old son, and although the opening would have railings I believe that it would be an accident waiting to happen.

3.

The hardship is ~~by~~ created by the zoning code AND current setback AND NOT created by the Applicant.

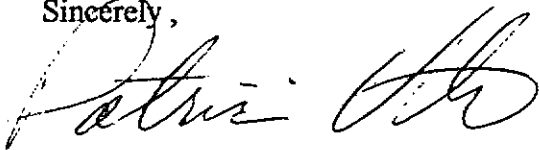
4  
The proposed addition would accommodate the doorway while also eliminating all of the above hazards and create a much safer exit and entry way. I believe that this situation is unique as no other house on our block has sustained this type of flooding. Adding this doorway will create a much safer living space for my family. Although Egress windows create safety it is very difficult for a 16 month old or my elderly handicapped parents to climb out of a window in a crisis situation such as a fire.

6  
The addition will follow the existing character of the house. The landscaping and addition will continue to uphold the value of houses in the neighborhood. Our current setback, and the house adjacent to ours are further back than anyone else, currently at 28 1/2 feet. There are two current homes that are at a setback of 18 feet, various others at different setbacks and several multi/family dwellings. We have taken great pride in the look of our home inside and out since we purchased it 5 years ago. In no way does the addition cause any congestion of public streets, or increase danger in any way. In fact it decreases danger by preventing accidental falls and an easier exit in the case of fire.

I am currently asking for 1 1/2 FT Setback based on other houses

If you have any questions regarding this applications or need further clarification, please call. Thank you for your time and consideration in this matter.

Sincerely,



Pat Vitale

TO: Tom Leighton

FROM: PAT VITALE

DATE: 12/29/01

RE: Additional INFO requested for VARIANCE

APPLICATION: 4501 Lyndale Ave S. Mpls. MN.

Please be advised that I would like to have my front steps exceed the current 16<sup>58 FT</sup> allowance. I feel that the current 16<sup>58 FT</sup> are not enough space to provide ample standing room when entering and exiting the building. The small space creates a safety hazard when entering the building. I have already fallen on the current landing due to insufficient space.

Thank-you

Pat Vitale

Re: B22-448

January 12, 2002

Tom Leighton, City Planner  
250 South Fourth St. Room 300  
Wichita, KS 67202-5541  
55415-1316

My name is Ruth Lindgren. I have owned the home at 4521 Lyndale Ave So for 29 years. I have enjoyed very much the family orientation of the neighborhood. I strongly oppose B22-448, allowing the reduction of the required front yard set back along Lyndale at 4501 Lyndale Ave So.

About five years ago, Patricia Vitale and Martha Salis moved into our 100% residential block and began a business called META.

Their business is doing well and we are glad for them although the lineups of cars by people attending their meetings can be annoying. Salis and Vitale apparently require more space to conduct their business. It is time for them to move into a commercially-zoned block.

There is an elementary school in

our block on the west side of Lyndale. It attracts couples with children which in turn improves the quality of the neighborhood.

In the last several years, many young people have moved into the old homes here, improved them and are raising families. Their home improvements have raised all of our taxes in the block which benefit the city.

I believe that allowing construction well into the yard set back area as proposed by B22-448 would start a downward trend in the quality of our block. It would open the door to other business/home combinations. The caring people would move to more attractive neighborhoods and those moving in would not care to improve a home in an ugly block. Just drive by on Nicollet Avenue and you will see how the business/home combinations have destroyed the appearance and living quality of that Avenue.

I urgently request that you veto application B22-448 to enable us to keep our block desirable for family living while providing a good tax base for the city.

Sincerely,  
612-823-8448 Ruth C. Anderson

#2

**Wittenberg, Jason W**

---

**From:** Kerry Korman [tomm@mtm.org]  
**Sent:** Wednesday, January 23, 2002 9:31 AM  
**To:** jason.wittenberg@ci.minneapolis.mn.us  
**Subject:** Fwd: variance BZZ-448

Date: Tue, 22 Jan 2002 17:08:33 -0600  
To: tom.leighton@ci.minneapolis.mn.us  
From: Kerry Korman  
Subject: variance BZZ-448

Dear Mr. Leighton,

As a 31 year resident of this neighborhood, I am **opposed** to granting the reduced-setback variance (BZZ-448), requested for 4501 Lyndale Ave S.

The existing setback creates a unified appearance in the neighborhood, and has maintained a specific amount of open space for the last 80 years. These are two of the things that make the neighborhood desirable. It is important to preserve these characteristics, just as the people before us had the foresight to preserve them.

I can understand why the current residents would want to stay in the area, and I can understand wishing for more space. Somehow everyone who has faced that same dilemma in the past has managed to find a solution that did not diminish the charm of the neighborhood.

From the notice I received, it looks as though the proposed addition and entrance landing would come quite close to the existing sidewalk. They are out of proportion with the lot and with the surrounding area. I have seen the permanent negative impact that similar additions have had in other neighborhoods and hope we can avoid that mistake here.

I am additionally concerned that the proposed addition would reduce the visibility of both vehicles and pedestrians using the adjoining 45th and Lyndale Ave intersection.

Please register my disapproval even though I am not able to attend the relevant meeting in person.

Thank you.

Sincerely,

Kerry Korman  
4436 Garfield Ave S.

Thomas G. McCarthy  
5045 Bryant Ave S  
Minneapolis, MN 55419

January 22, 2001

Tom Leighton, City Planner  
Minneapolis Board of Adjustment  
Room 220 City Hall  
350 S. 5<sup>th</sup> S  
Minneapolis, MN 55415

612-673-3853; fax 612-673-2526

Dear Mr. Leighton:


As the owner of property at 45<sup>th</sup> and Aldrich Avenue South, I am against the granting of the variance requested at 4501 Lyndale Avenue South (BZZ-448). Here are my reasons:

1. Reducing setback to allow an addition to protrude from the front of the existing building would potentially increase hazards to vehicular and pedestrian traffic by obstructing visibility in the 45<sup>th</sup> and Lyndale intersection. The subject lot borders the SE corner of the intersection, and the intersection is heavily traveled by automobiles and pedestrians. Pedestrian traffic includes school children attending Visitation grade school, located across Lyndale Avenue on the block facing the subject property.

2. The proposed addition would be aesthetically discordant with the rest of the block and with adjacent blocks along Lyndale Avenue.

3. I am further concerned that the proposed addition might increase foot traffic through the neighborhood, and increase parking pressure related to operating the business that is advertised by posted signs as being located on the premises.

Sincerely,

  
Thomas McCarthy

BZZ-448

1/11/02) Call from Ruth Anders. **Phone Calls**

opposing addition because of  
the expansion of the business  
in a residential area.

1/14/02) Call from resident on block  
Variance is okay

1/16/02) Letter from Ruth Anderson  
strongly opposing proposed  
addition.

1/18) Call objecting to  
variance/expansion of  
business, diff. neighbor

#2

**Wittenberg, Jason W**

---

**From:** Kerry Korman [tomm@mtn.org]  
**Sent:** Wednesday, January 23, 2002 9:31 AM  
**To:** jason.wittenberg@ci.minneapolis.mn.us  
**Subject:** Fwd: variance BZZ-448

Date: Tue, 22 Jan 2002 17:08:33 -0600  
To: tom.leighton@ci.minneapolis.mn.us  
From: Kerry Korman  
Subject: variance BZZ-448

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From the notice I received, it looks as though the proposed addition and entrance landing would come quite close to the existing sidewalk. They are out of proportion with the lot and with the surrounding area. I have seen the permanent negative impact that similar additions have had in other neighborhoods and hope we can avoid that mistake here.

I am additionally concerned that the proposed addition would reduce the visibility of both vehicles and pedestrians using the adjoining 45th and Lyndale Ave intersection.

Please register my disapproval even though I am not able to attend the relevant meeting in person.

Thank you.

Sincerely,

Kerry Korman  
4436 Garfield Ave S.

#2

Calls regarding 4501 Lyndale Ave. S.

1/22/02 – Anonymous neighbor called in opposition to granting the variance

1/23/02 – Ms. Devet, 4445 Lyndale Ave. S., called in support of the variance

To Whom it may concern:

Pat Vitale and Mirtha Solis have petitioned the City of Minneapolis for a variance of 4 feet to have the front yard set back on Lyndale Ave S to be reduced from 20 feet to 16 ½ feet to accommodate a 12 X 26 foot addition to their house. Currently, there is a house on the same block that has a set back of 18 feet. Our house would be out 1 ½ feet further. There would still be a distance of 24 ft. between the addition and their front yard fence. The following petitioners have seen the proposed plans and have no objections to the addition being built according to those plans.

We are in support of this variance and wish to convey that to the Board of Adjusters.

Names & Signatures

Address

Pat meus	4505 Lyndale Ave S WPLS 55409
Betty Jean Bisson	4455 LYNDALe AVE So
Lytle R. Bisson	4455 Lyndale ave. So.
C M Duwet	4445 Lyndale Ave. So.
My McDevitt	4511 Lyndale Ave. So.
Barbara Mery	4440 Garfield Ave S 55409
Marion Riordan	4443 Lyndale Ave S
Will Stephenson	4441 Lyndale Ave S.
Gladys Swanson	4517 Lyndale So.
Mike A. Gyn	4450 Garfield Ave. So.
John D. Schroeder	4437 Lyndale Ave So.
John H. O'Brien	4440 Garfield Ave. S.
Dave Hartman	4515 LYNDALe AVE S O.
Frank B. Gitter	4504 GARFIELD So.
Robert Dahl	4504 Garfield Ave. S.
Arthur Rowe	4509 Garfield Ave. S.

To Whom it may concern:

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We are in support of this variance and wish to convey that to the Board of Adjusters.

Names & Signatures

Address

Barbara Ferich	4512 Garfield Ave. So.
Nicholas Koster	4500 Garfield Ave So.
Susan M. Stoll	4424 GARFIELD Ave So.
William Karwin	4451 Garfield Ave So.
Joe Adams	4501 Garfield Av. S.
R. Carr	4505 GARFIELD AVE S
Clark G. Miller	4444 GARFIELD Ave S.
Francis A. Pauliat	4500 Lyndale Ave SO
Joseph D. O'Brien	4448 Lyndale Av
Gregory L. Jones	4453 Aldrich S.
Jeff Lust	4501 Aldrich Ave South

David J. Kelly  
Architect, Inc.  
1000 W. 20th St., Suite 100  
Westerville, Ohio 43081  
(614) 885-1000

Consultants

CERTIFICATION  
I, David J. Kelly, Architect, Inc.,  
do hereby certify that the  
above is a true and correct  
copy of the original  
as submitted to the  
City of Westerville.

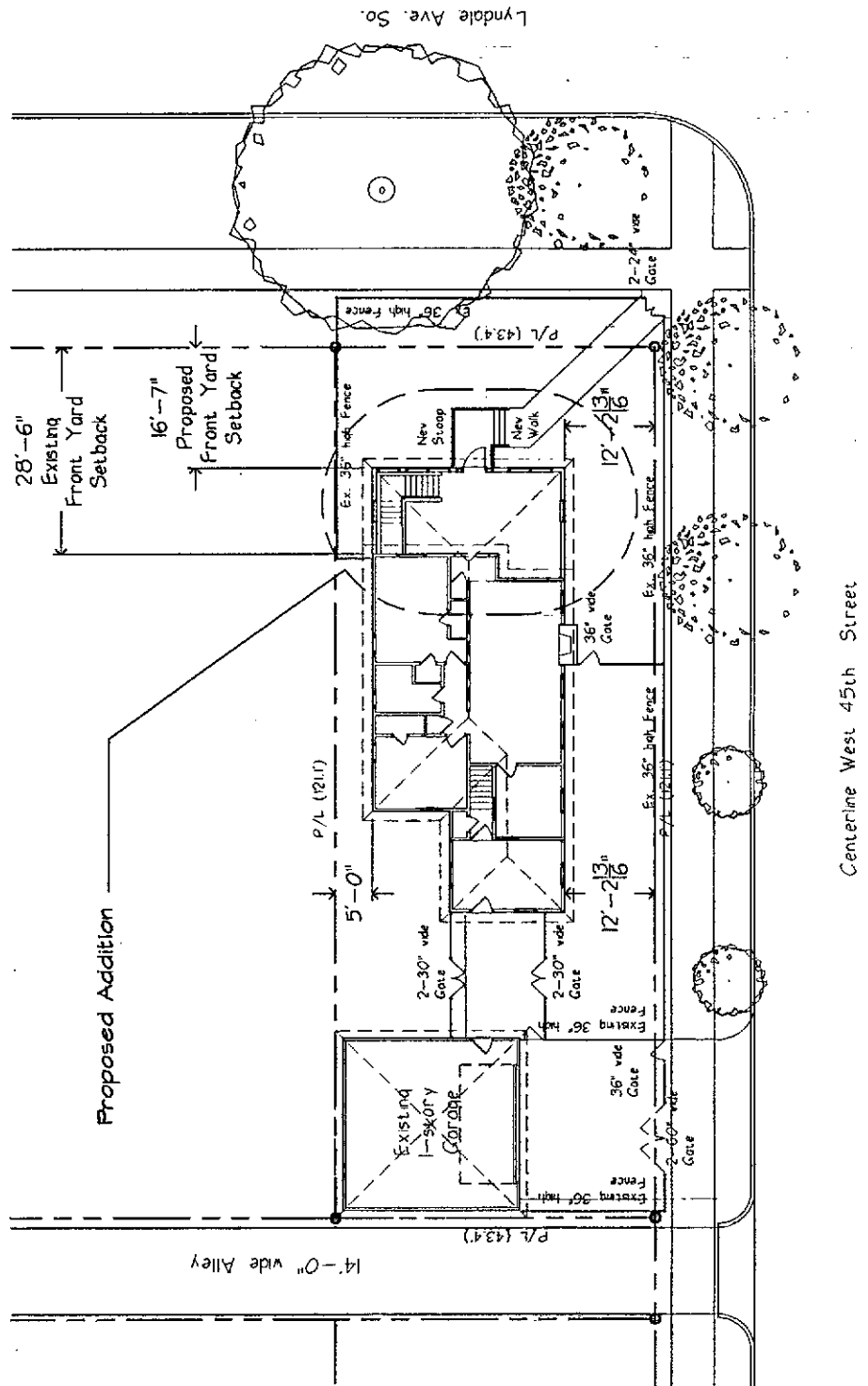
Project  
Mela Institute  
Addition  
Scheme B.1  
4501 Lyndale Ave. No.  
Westerville, OH

Reg. No. 0100  
Comm. No. 0100  
Date Issued 11/30/2001  
Revised: 12/19/2001

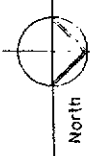
Drawing Title  
Proposed  
Site Plan

Scale As Noted  
Sheet Number  
For Variance Review  
Only  
Not for  
Construction

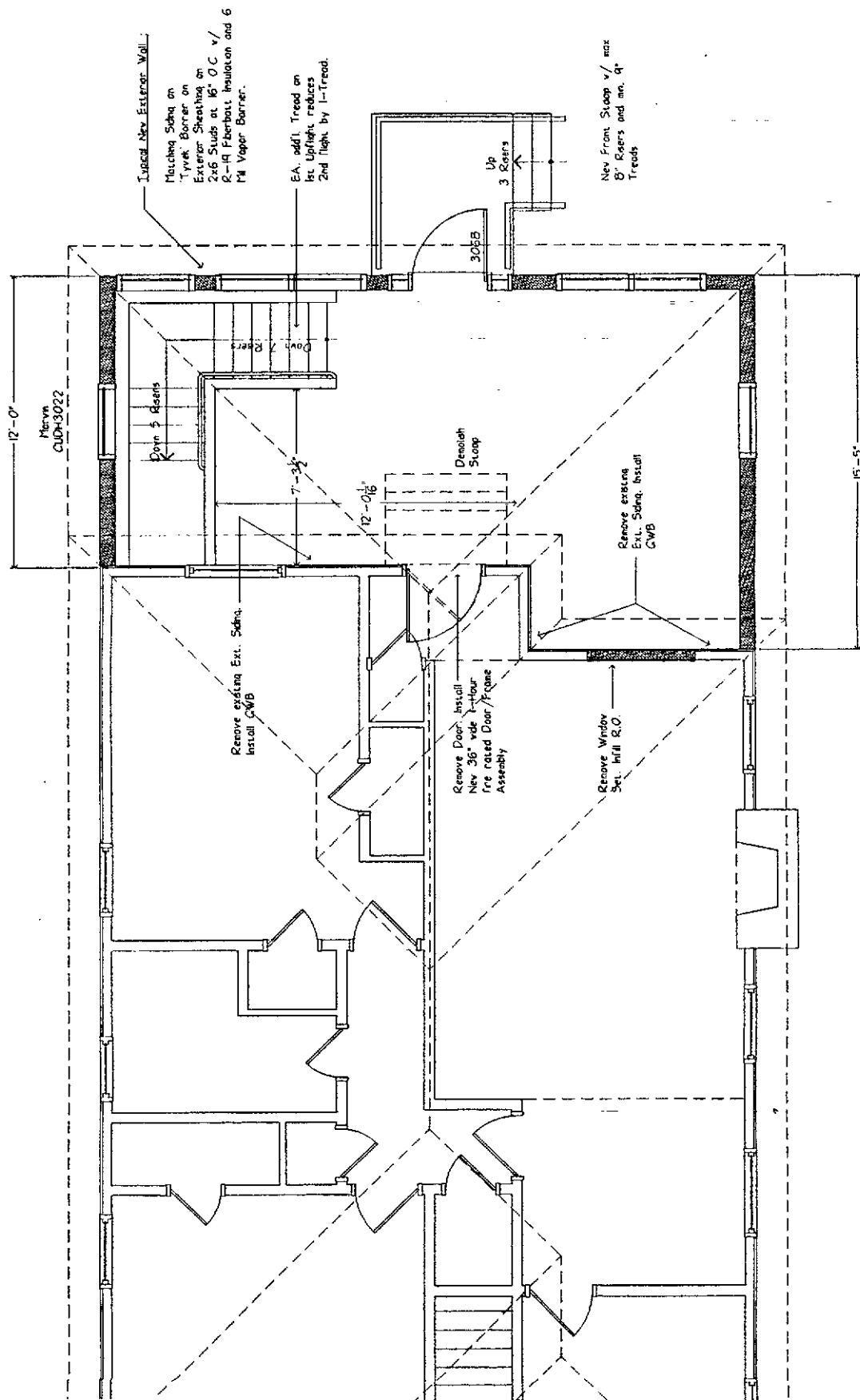
a1.1



Site Plan prepared from Cartwright & Olson Land  
Surveyors document 3427/368-4, dated:  
08/27/1947.



1 Proposed Site Plan  
a1.1 Scale: 1/16" = 1'-0"



1 Proposed Main Floor Plan

Scale : 1/4" = 1'-0"

David J. Kelly  
Architect, Inc.

1000 West 1st Ave.  
Suite 200  
Portland, ME 04101  
Tel: 617-552-1100  
Fax: 617-552-1101

Consultants

CERTIFICATION

I hereby certify that the design of the project described herein was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Maine.

*David J. Kelly*  
Reg. No. 10001  
Comm. No. 01033

Drawn By Kelly  
Date Issued 11/30/2001  
Revised/Revised  
12/13/2001

Project

Weto Institute  
Addition  
Scheme B.1

4501 Lyndale Ave. No.  
Minneapolis, MN

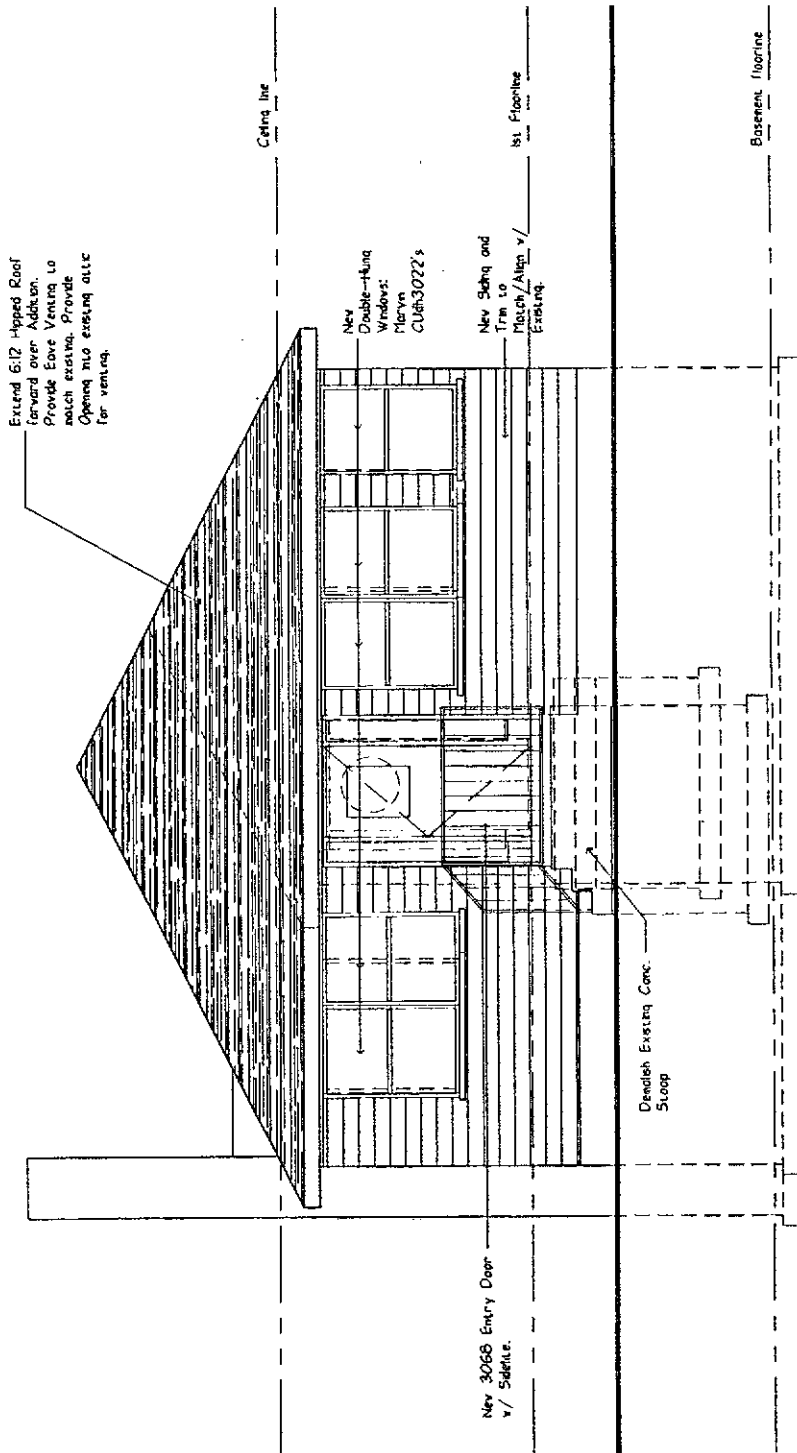
Drawing Title

Proposed  
Exterior  
Elevations

Scale As Noted

Sheet Number  
For Variance Review  
Only  
Not for  
Construction

a3.2



1 Proposed West (Lyndale Ave. So.) Elevation

Scale : 1/4" = 1'-0"

David J. Kelly  
Architect, Inc.  
1000 Ave. 1000, Suite 100, St.  
Petersburg, FL 33706  
Phone: 727-944-1000

Consultants

CERTIFICATION  
I hereby certify that this is a true and correct copy of the original drawing as submitted to the City of St. Petersburg, Florida, for record and filing.  
Date: 12/15/2001  
By: David J. Kelly  
Title: Architect  
Signature: *David J. Kelly*

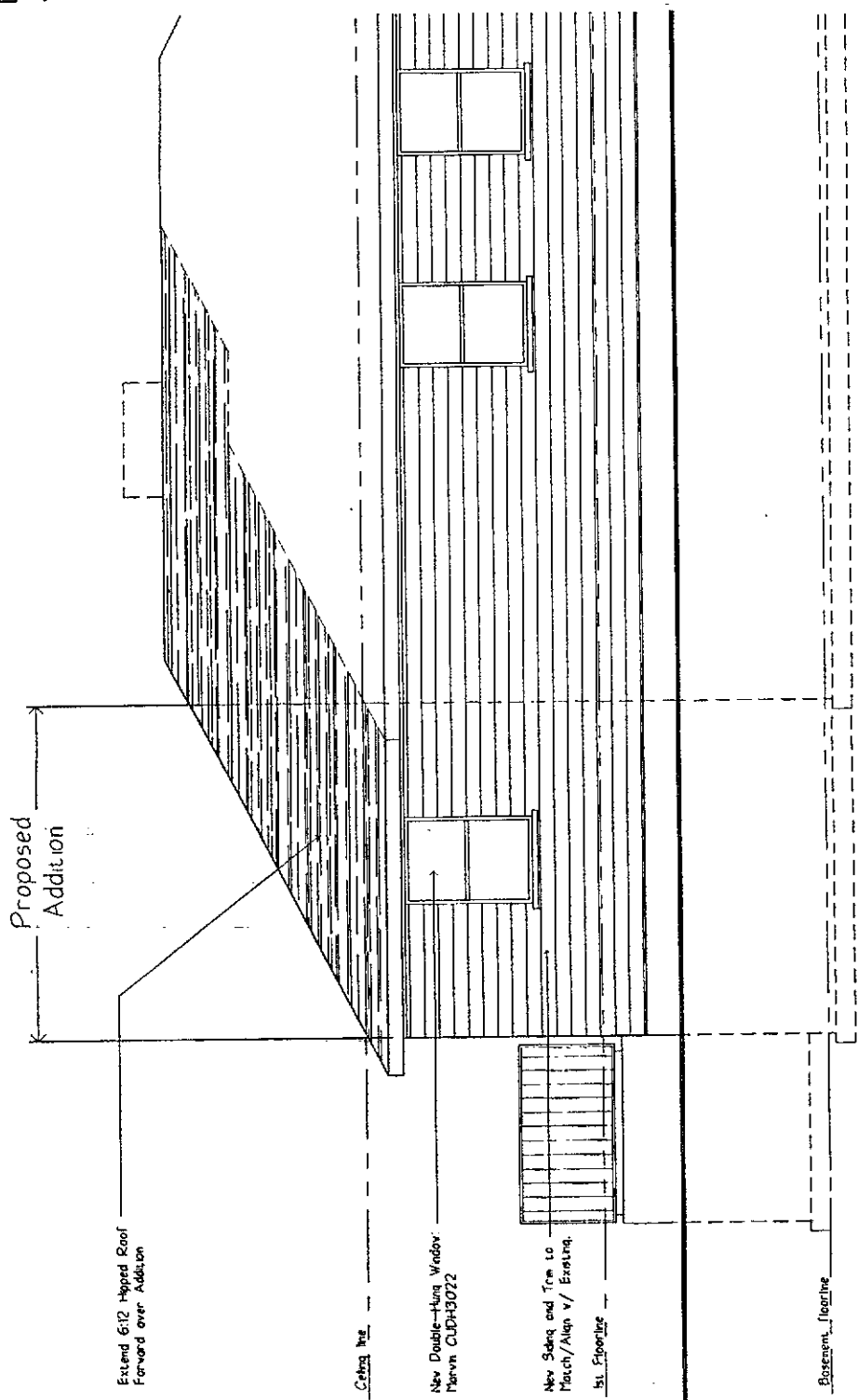
Project  
Mela Institute  
Addition  
Scheme B.1

4501 Lyndale Ave. NW,  
Minneapolis, MN

Drawing Title  
Proposed  
Exterior  
Elevations

Scale As Noted  
Sheet Number  
For Reference Review  
Not for  
Construction

a3.3



1 Proposed South Elevation

Scale : 1/4" = 1'-0"

Patricia Vitale/Mirtha Solis

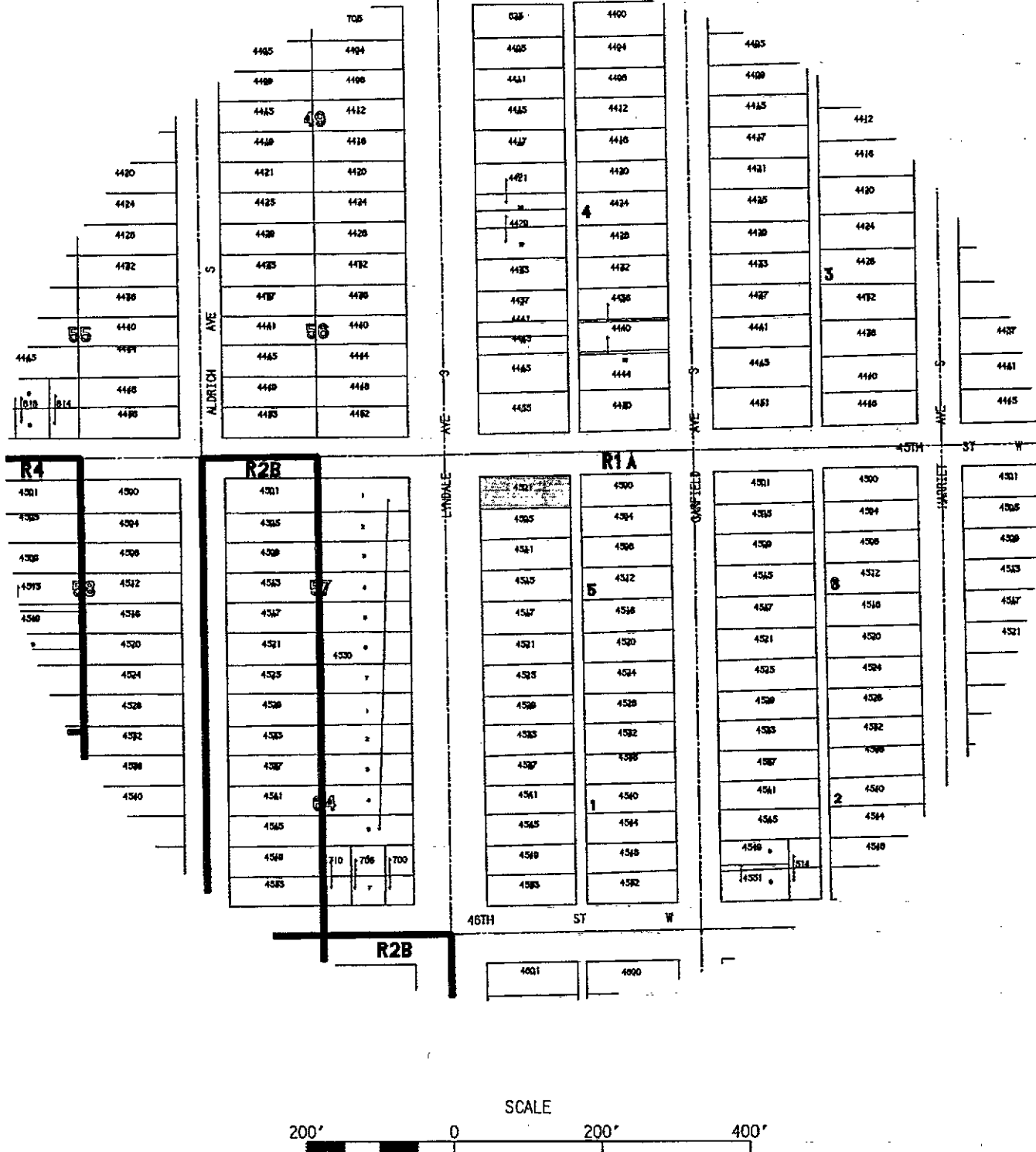
827-6754

APPLICANT'S NAME

TELEPHONE

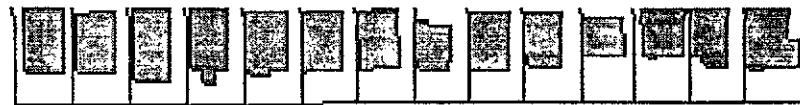
4501 Lyndale Av S Mpls MN 55409

ADDRESS

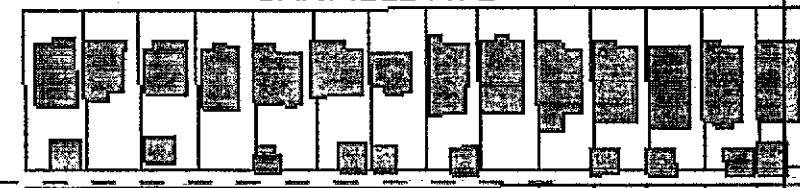
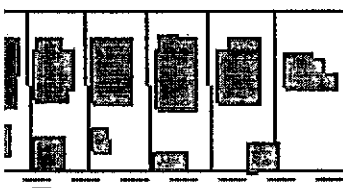
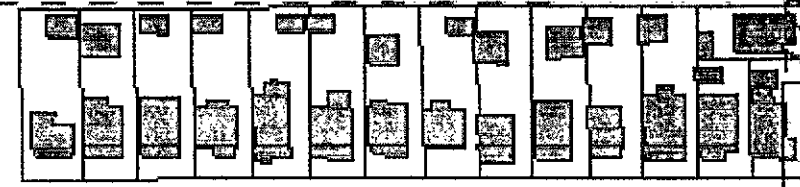
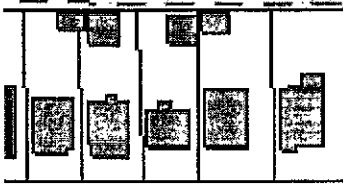
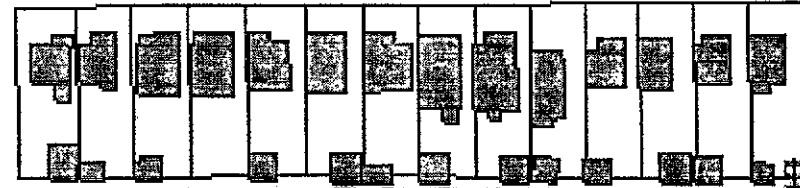
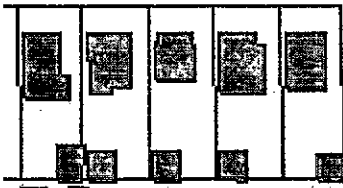


PROPERTY ADDRESS  
4501 Lyndale Av S

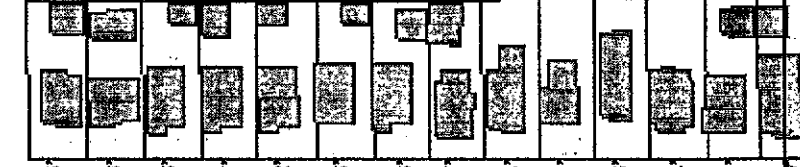
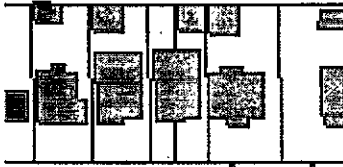
FILE NUMBER  
BZZ-448



HARRIET AVE



GARFIELD AVE



29.3'

31.5'

28.5'

27.6'

22.5'

23.7'

23.2'

29.6'

24.6'

19.7'

22.3'

30.1'

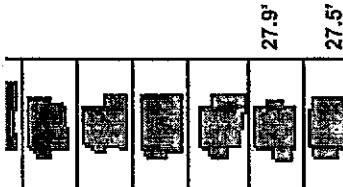
32.6'

22.4'

22.1'

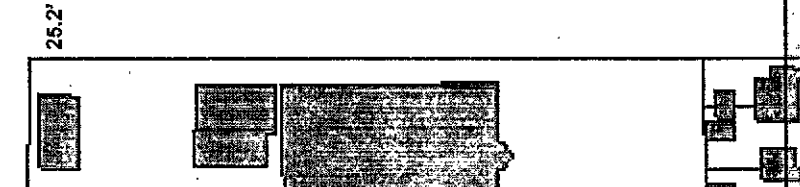
19.0'

LINDALE AVE

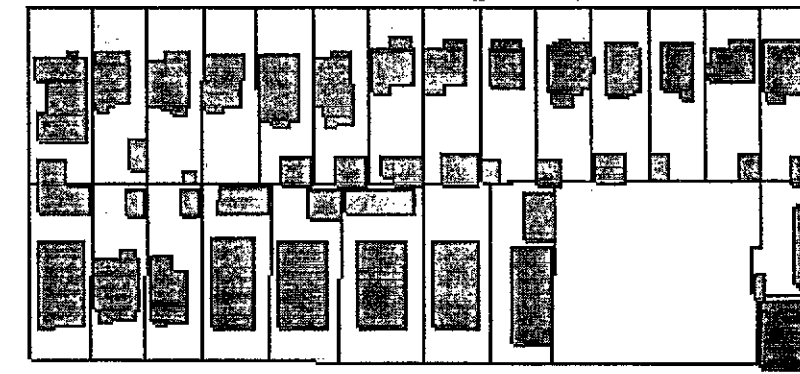
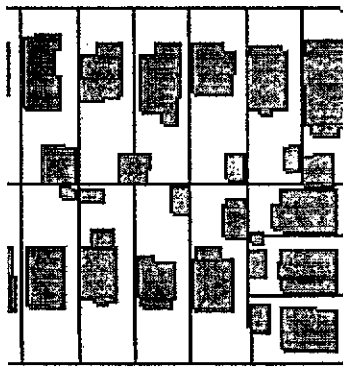


27.9'

27.5'



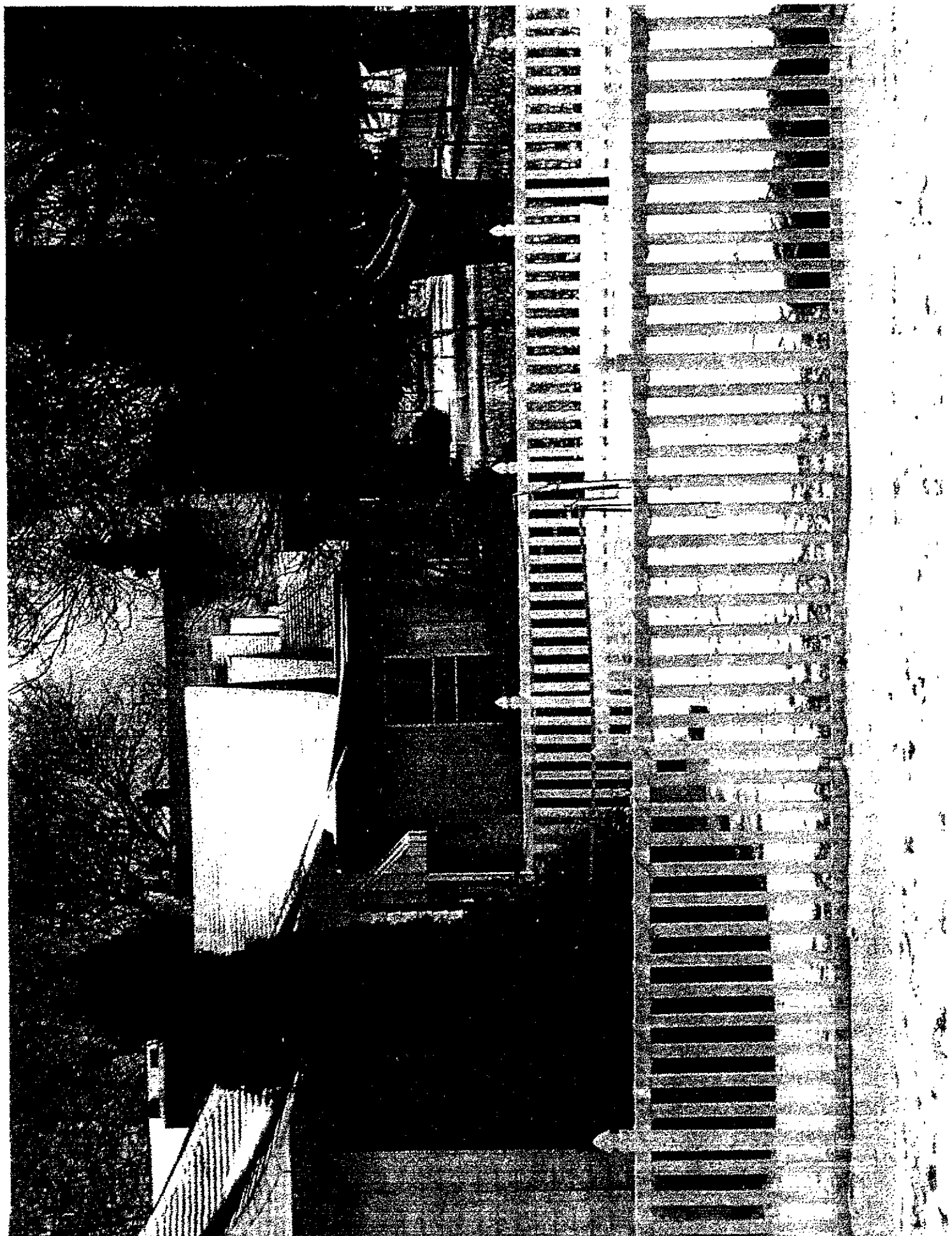
25.2'

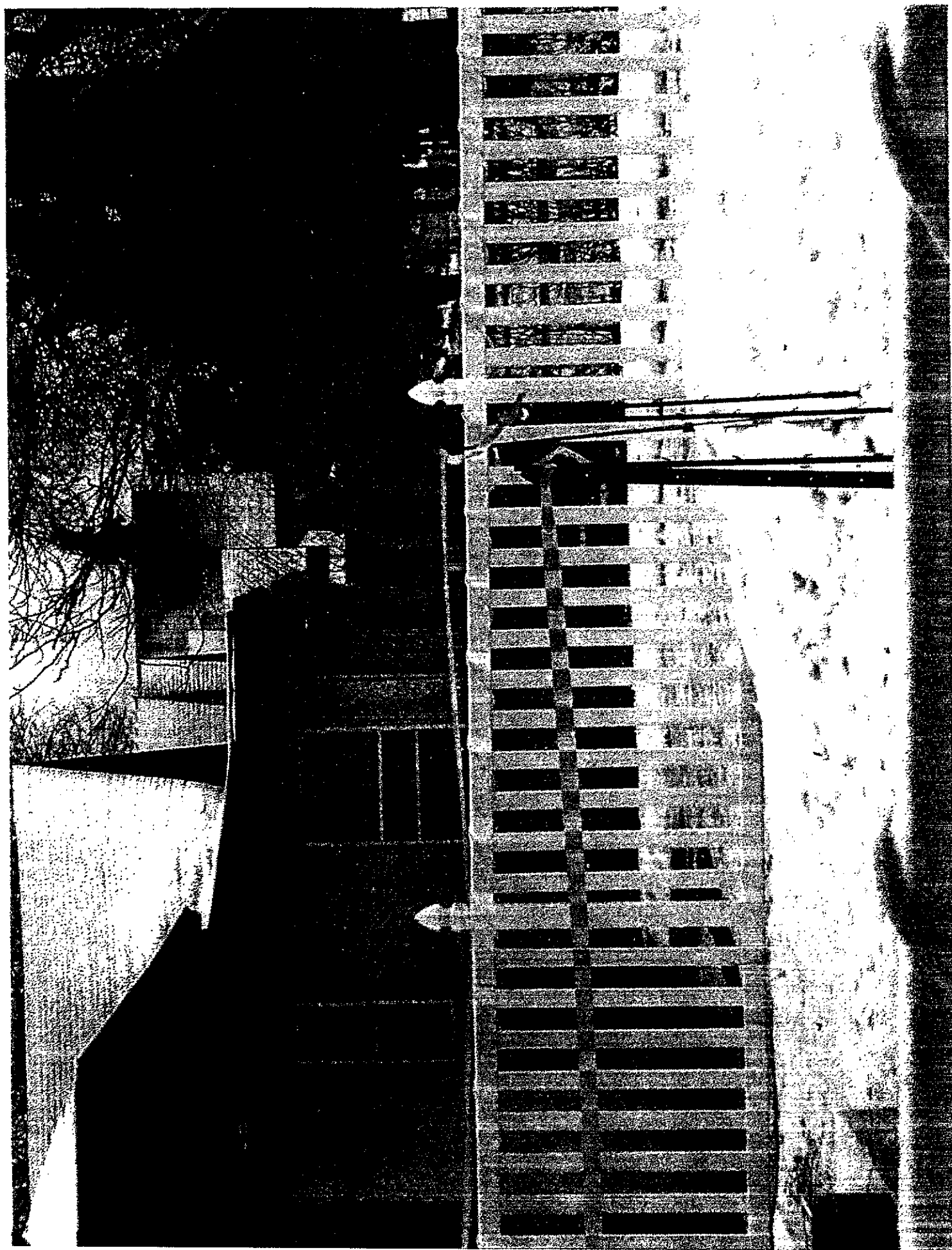


ALDRICH AVE S

BRYANT AVE S

45TH ST W





**BOARD OF ADJUSTMENT  
MEETING MINUTES  
CITY OF MINNEAPOLIS  
ROOM 220 CITY HALL  
January 23, 2002**

**CALL TO ORDER AND ROLL CALL VOTE**

Present were Debra Bloom, David Fields, John Finlayson, Marissa Lasky, Paul Gates, Gail Von Bergen & Richard White. Richard White called the meeting to order at 2:00 p.m. Nicole Peterson from the Zoning Office was present, along with Jason Wittenberg of Planning.

**HEARING**

**4501 Lyndale Ave. S. (BZZ-448, 11<sup>th</sup> Ward)**

Patricia Vitale and Mirtha Solis have applied for a variance to reduce the required front yard setback along Lyndale Avenue South from 28 ft. 6 in. to 16 ft. 7 in to allow a 12 ft. x 26 ft. front addition, and to allow a 48 sq. ft. front entrance landing in the front yard setback.

**Zoning Presentation by Ms. Peterson:**

Patricia Vitale and Mirtha Solis, applicants for 4501 Lyndale Avenue South located in the R1A district have applied for a variance to reduce the established front yard setback along Lyndale Avenue South from 28 ft. 6 in. to 16 ft. 7 in to allow a 12 ft. x 26 ft. front addition, and a variance to allow a 48 sq. ft. front entrance landing in the required yard. The alleged hardship is inadequate space to safely enter and exit the home. One letter of opposition.

**Planning Department Staff Recommendation by Mr. Leighton:**

Staff recommends **approval** of the variance application to reduce the required front yard setback along Lyndale Avenue south from 28 ft. 6 in. to 20 ft. to allow an 8 ft. 6in. by 26 ft. front addition and staff recommends **denial** of the variance application to allow a 48 sq. ft. front entrance landing in the front yard setback.

**Applicant's Statement**

Patricia Vitale spoke in support and stated work is done out of the house and it is done in the basement and we wanted to make it safer and we thought about putting in an egress window but that is not the safest way to do it because not everyone knows how to exit an egress window including out 18 month old son and our elderly parents. Putting in a doorway is the only way to make is as safe as possible. When looking into having to dig out the whole front yard we would have ended up with a 9 ft. gaping hole coming out from the house which would have left the house vulnerable to theft, ice, water damage and we already have sustained flooding at this particular location back in 1997 and had to take out a fima loan of 30,000. So we decided it would be much better to put the addition on and our existing house is extremely tiny, our bedroom is 10 ft. x 10 ft. and the addition would give us more room in the front of the house and upper level. The addition would give us a guest room to use for our parents since they can't go up and down the stairs. Also, with working out of the house this addition would make is safer for everyone in our family. The 12 ft. that would be coming out is only 1 ½ ft. further than that of existing houses on Lyndale Avenue and they're extend 18 ft. out. We did gather signatures of the neighborhood along Lyndale Avenue and folks who were originally opposed have signed and the most affected neighbor has also signed. We want to extend our house for more living space and this would make it easier for our home based stuff.

### **Supporting Statement**

Mirtha Solis spoke in support and wished to express to the Board there is one neighbor who is in opposition, and states that the same opposing neighbor has rallied other neighbors to oppose the application. Ms. Solis also expressed a lady has been identified but she does not know their name or the address of the person but that the person and house would be located next to the house at 4517 Lyndale Avenue South. Ms. Solis also expressed she has been told the person in opposition has gone door to door asking residents not to support our project. Ms. Solis stated they did make the effort to contact everyone they were able to discuss the plans and answer any questions. In doing so it resulted in neighbors changed minds and offering support and that they had to clear up a lot of misunderstandings of what the proposed project was and what type of application they were seeking approval for.

### **Action:**

The Board of Adjustment adopted the findings and **approved** the variance to reduce the required front yard setback along Lyndale Avenue south from 28 ft. 6 in. to 20 ft. to allow an 8 ft. 6 in. by 26 ft. front addition and **denied** the variance application to allow a 48 sq. ft. front entrance landing in the front yard setback subject to:

1. An encroachment permit shall be obtained from Public Works for the fence encroaching into the public right-of-way

### **Roll Call Vote To Approve Staff Recommendations and a condition.**

**Yeas:** Bloom, Finlayson, Gates, Von Bargaen, White

**Nays:** Fields, Lasky

**Abstain:** None

**Absent:** Rand